IN THE HIGH COURT OF BOMBAY AT GOA

MISC.CIVIL APPLICATION NO. 751 OF 2005

IN

WRIT PETITION NO. 111 OF 2003

SALGAOCAR MINING INDUSTRIES PVT.LTD.,MARGAO-GOA. ....Applicant

Versus

STATE OF GOA, PANAJI-GOA AND 2 ORS., ...Respondents

Mr. S. V. Manohar, with Mr. M. S. Sonak, Advocates for the applicant.

Ms. R. Chodankar, Addl. Government Advocate for the respondents No.1 and 2.

Coram:- D. D. SINHA &
N. A. BRITTO, JJ.

Date:- 22nd November, 2005

P.C.

Misc. Civil Application is moved by the applicant for fixing the date of hearing of Writ Petition No.111/2003. Mr. Manohar, the learned Counsel for the applicant brought to our notice various orders passed in the present writ petition, such as Order dated 14.2.2005, passed by the Honourable the Chief Justice, order dated 7th March, 2005 passed by the Division Bench at Bombay, and order dated 24th June, 2005 passed by the Honourable the Chief Justice. The writ petition was fixed for final hearing on 19th July, 2005. However, the matter could not be heard on 19th July, 2005 and by consent of the parties, the writ petition was fixed for final hearing on 22nd August, 2005. In the order dated 19th July, 2005, it is observed that the matter be placed for final hearing on 22.8.2005 high on Board, in the afternoon session.

The Order dated 22nd August, 2005 passed by the Division Bench demonstrates that the writ petition was posted for final hearing along with the Writ Petition No.159/04. However, as the Division Bench in the order dated 22.8.2005 has expressed that as per the then existing assignment the Bench was assigned with final hearing of first appeals and tax appeals in the aftrnoon session and, therefore, the matter could not be heard. The last order dated 30th September, 2005 is passed by the Honourable the Chief Justice whereby the liberty is given to the petitioner to move the Bench. It is also mentioned in the said order that the Division Bench is at liberty to take up the writ petition for hearing either in the morning session or in the afternoon session.

In the backdrop of the above referred facts, it is evident that there is urgency in the matter and, in fact, the matter was placed for final hearing from time to time, however, the same could not be taken up for hearing for one reason or the other.

Mr. Manohar, the learned Counsel for the applicant prays that the matter may be fixed for final hearing on 9th January, 2006, high on board. The learned Addl. Govt. Advocate appearing for the State does not dispute the factual aspects of the matter and also has no objection for fixing the matter for final hearing on 9th January, 2006.

In the circumstances, the Office is directed to list the Writ Petition No.111/2003 along with Writ Petition No.159/2004 for final hearing on 09/01/2006, high on Board, subject to part-heard matter.

With these observations, the misc. civil application is disposed of.

D. D. SINHA, J.

N. A. BRITTO, J.

ssm.